

STATE OF MARYLAND

* CASE NO. D-111-CR-23-000833

VS.

* IN THE DISTRICT COURT FOR

LORI K. POWERS

* FREDERICK COUNTY, MARYLAND

* * * * *

STATE'S RESPONSE TO DEFENDANT'S REQUEST FOR DISCOVERY

1. The State has provided to the (Defendant) or (Defense counsel) all items within Maryland Rule 4-262 and objects to any request outside Maryland Rule 4-262. The State further acknowledges its continuing duty, as well as Defendant's, to supplement Discovery promptly upon receipt of further discoverable information, pursuant to Maryland Rules of Procedure, specifically 4-263 (h).

2. This Discovery includes, where applicable:

- a. Written and/or Oral Statements of Defendant and/or co-Defendant;
 - b. Witnesses, and any written statements, for the State;
 - c. Searches, seizures, surveillance and pretrial identification;
 - d. Reports and Statements of Experts the State intends to call as a witness;
 - e. Information regarding availability of any evidence for use at trial; and
 - f. Property of Defendant.
- g. Upon request, the assigned prosecutor will provide the defendant's motor vehicle and/or criminal record for your review prior to trial.

3. If the above-captioned matter involves the administration of the horizontal gaze nystagmus test, the State intends to call the officer who administered the test (as indicated in the police report) as an expert witness at trial regarding the administration of the horizontal gaze nystagmus test. The witness will testify, among other things, that the test was administered to the defendant properly and in accordance with his/her training, his/her observations of the defendant while the test was being administered, and the results of the defendant's performance on the test as found in the police report.

4. If the above-captioned matter involves the use of a drug detection canine, the State intends to call the officer who handled the drug detection canine (as indicated in the police report) as an expert witness at trial regarding the drug detection canine scan. The witness will testify as to the training involved for both handlers and canines; training specific to the officer and the animal; the animal's ability to detect the presence of narcotics/residue in vehicles and/or on items such as money and clothing. Moreover, he/she will testify consistent with his/her report that the canine's alert on the vehicle in this case indicated the presence of narcotics/narcotic residue. Should you require the opportunity to inspect and copy any training or certification report of the drug detection canine please contact our office.

5. If the above-captioned matter involves a charge or charges under Criminal Law Sections 5-619 or 5-620, the State intends to call the officer(s) on scene as expert witness(es) at trial. The witness(es) will testify, among other things, to his/her training, knowledge and experience in the area of drug recognition, specifically, the method(s) of ingestion of controlled dangerous substances. The witness(es) will testify that based on his/her training, knowledge and experience as well as the particular facts of this case, that is his/her opinion that the paraphernalia seized in the above-captioned matter was possessed with the intent to use to illegally inhale, ingest, inject and/or administer a controlled dangerous substance.

6. If the above-captioned matter involves a charge or charges under the Transportation Article Sections 21-902 or 16-113(j), the State intends to call the technician/analyst who performed a test of the

Defendant's blood as an expert in forensic science/blood alcohol analysis blood drug analysis. The testimony will establish the presence of alcohol/controlled dangerous substances in the Defendant's blood consistent with the technician/analyst's written report and based upon the technician/analyst's expert training, knowledge, and experience.

7. If the above-captioned matter involves a charge or charges under the Transportation Article Sections 21-902(c) or 21-902(d), the State intends to call the Drug Recognition Expert, who performed the Drug Influence Evaluation on the Defendant, as an expert witness at trial. The testimony will include, among other things, his/her training knowledge and experience in the area of drug recognition, specifically, identifying individuals who are driving under the influence of drugs and/or controlled dangerous substances. The testimony will establish that based on his/her training knowledge and experience, his/her examination of the Defendant, and the particular facts of this case, that it is his/her opinion that the Defendant was impaired by drug(s) and/or controlled dangerous substance(s) and was unable to safely operate a vehicle. The details of his/her opinion are contained in the Drug Recognition Expert Report which is included in the discovery provided.

8. If the above-captioned matter involves a charge under Criminal Law Section 5-602, the State intends to call the officer as an expert witness in drug investigations. Their testimony as an expert will be based upon their review of the facts in this case, the police reports, any evidence seized, the contents of any cellular phones, and the rational inferences that can be drawn therefrom, as well as their own training, knowledge, and experience. Based upon all of the above, it is their opinion that the controlled dangerous substance in this case is indicative of distribution rather than personal use. They will also testify to their opinion of the value of the controlled dangerous substance recovered in this case, and that the Defendant engaged in drug distribution.

9. If Body Camera Video exists in this case, it is being provided to counsel pursuant to either Maryland Rule 4-262 or 4-263, whichever is applicable, with the understanding that the video will not be disseminated to anyone absent that which is necessary for the proper and complete representation of the Defendant or by authorization of the Court. The recipient of the video is cautioned to remain mindful of the possible restrictions on disclosure of intercepted communications in Court and Judicial Proceedings Article, Title 10.

10. The State has provided:

- a. Numbered pages: 29
- b. Body camera footage: 2 videos
- c. Video footage

Brooke H. Gornulka /s/
BROOKE H. GORNULKA

ASSISTANT STATE'S ATTORNEY

CPF No. 1512150265

100 West Patrick Street

Frederick, Maryland 21701

Phone: 301-600-2573

Fax: 301-600-1926

FrederickSAODistrictRpts@FrederickCountyMD.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24 day of July, 2023, that a copy of the foregoing was e-filed and served and/or sent to the designated e-mail address for Marc S Ward, Attorney for the Defendant herein.

Brooke H. Gomulka /s/
BROOKE H. GOMULKA
ASSISTANT STATE'S ATTORNEY